

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**July 22, 2021 at 6:00 PM**  
**at 15 Summer St- City Hall**

**Members Present roll call:** Dennis Ackerman, Wayne Berube, Craig Faria, George Moniz, Scott Rodrigues.  
Meeting opens at 6:01 PM

Chairman Ackerman stated he would like to cancel August meeting and meet in September since there are no cases filed.

**Steve made motion to cancel August meeting and combine both meetings, seconded by George. All in favor.**

William Egan present at 6:03 PM

Chairman Ackerman explains the ZBA process. They hear presentation from petitioner, hear opposition and in favor and then go back to petitioner to answer any questions. They do not go back and forth.

**George made motion made and seconded to approve minutes of May 27<sup>th</sup> and June 24<sup>th</sup> minutes, second by Steve. All in favor.**

Cake # 3627                      Jacques                      Glebe St. 60-37  
For: A Variance from Section 440 Attachment #3 and 440-602 of the Zoning Ordinance  
for the division of one lot into 4 lots. Lot 1 having 38' of frontage (instead of 150 feet)  
and 32.49' of lot width (instead of 100') with a shape factor of 38 (instead of 35) Lot 2  
having 38.71' of frontage (instead of 150') and 44.22' lot width (instead of 100') Lot 3  
having 50.28' of frontage (instead of 150') and 50.37' of lot width (instead of 100') with  
a shape factor of 47 (instead of 35) and lot 4 a conforming lot.

For the Petitioner: John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma.  
Atty. William Rounds, 115 Broadway, Taunton, Ma.

In favor: Richard & Kathleen Caron, 1343 Glebe St., Taunton, Ma.

Opposed: Ruth Dennen, 1391 Glebe St., Taunton, Ma.

Eric Pearson, 594.5 Glebe St., Taunton, Ma. had some concerns

Atty. Rounds stated the petitioner has owned the property since the 1990's . The parcel is a very large irregular shaped lot with 46 acres. They are proposing to divide into 4 lots but need variances. The lot is very narrow at the street therefore having limited frontage & lot width. Two lots will be accessed from Glebe Street and 2 lots from Tremont Street. The soil conditions, shape and wetlands is the hardship. There are 26 acres of wetlands and that creates a problem. They do not want to do a conventional subdivision. There is narrow access from Glebe Street. Lot 3 will have 7 acers and Lot 4 will be a conforming lot. The property consists of a lot of twists and turns but it's impossible to

develop without zoning relief. They don't think 4 houses on this large tract of land will have a negative impact on the neighborhood. John stated the wetlands have been approved by the Conservation Commission through an ANRAD. The wetlands line was approved prior to this lot configuration a few year ago. Chairman Ackerman has no issue with lots 3 & 4 but Lot 1 & 2 has a lot of wetlands and he has issues with crossing over wetlands to get to upland. John stated the wetlands crossing are there already. Lot 1 & 2 will share access. Public Input: In favor: letter from Richard & Kathleen Caron, 1343 Glebe St.

John stated the carpath is only 12 feet wide and some areas are 18 feet wide. He asked if there would be wells instead of municipal water because they just paved street and hope they don't dig it up. Opposed : letter from Ruth Dennen, 1391 Glebe St. had concerns with wetlands and if there enough room for house, septic system and well. John stated they have conducted perks tests and there is room for all that. Chairman Ackerman asked if they plan on doing any blasting and John answers no. There is ledge near the northern property line but it won't interfere with house location. Wayne says the access from Tremont Street is surrounding by wetlands. It's a tough sell. Atty. Rounds points out without zoning relief the property is not useable. The hardship is the shape, topography and substantial amount of wetlands on the property. George says there will be 3 driveways going in. He suggests changing the design of the lots. Atty. Rounds stated then we would need more crossings and would need another conservation approval. DEP frowns on another wetland crossing. Steve suggests combine lots 1 & 2 to make one big lot. Atty. Rounds stated they would still have access from same way. Atty. Rounds stated there are great difficulties to make it work but that is why the ZBA is here to grant relief when you have this kind of property. Chairman Ackerman prefers 3 lots over 4 lots. He states lots 3 & 4 are ok but little leary about the other ones. John stated on Lot 3 there is a cart path and it's the same width as it is on other side. Public Input: Eric Pearson, 594.5 Tremont St., states he's not for or against just had some concerns. There is a stream that goes through his property and the water ends up on his property. He doesn't want any more water. He asked where the house location would be? He asked what address would they be and it was stated the City Engineer assigned the house number and he makes sure there is no more water runoff that what exists. John points out on the plans where the house locations would be. Wayne asked if any of these lots are under and P&S and Mr. Jacques stated no but he has someone interested in it . George points out it's a lot of land with little development. Chairman Ackerman suggests combining lots on Tremont Street for one large lot where he property line where the crossing is. Atty. Rounds speaks to is client and they say 3 lots are ok but would prefer 4 lots.

Motion made and seconded to grant with the following conditions:

1. Combine Lots 1 & 2 to create one lot.
2. Approve lots 3 & 4 as presented and shown on plan. .
3. No blasting allowed
4. No further development of the lots.

**Vote: Ackerman, Vieira, Faria, Moniz .....Yes**  
**Berube .....No**  
**Petition Granted**

Case # 3628                      Andrade                      173 Broadway & 47-6=500 & 47-566  
For: A Variance from Section 440-603 of the Zoning Ordinance to allow 88.1% of lot coverage (instead of the max. 80% ) for an 1,929 sq. ft. addition to the existing laundromat building & parking lot area .

For the Petitioner:    Brendon King, Grady Consulting LLC, 71 Evergreen St., Ste 1, Kingston, Ma.

                                 Brian Andrade, 66 Lordan Rd., Raynham, Ma.

In favor: None

Opposed: Courtney Wilder, 165 R Broadway, Taunton, Ma.

Brendon states they are here tonight to add 30 parking spaces to accommodate the proposed addition which results in more lot coverage than what is allowed under the zoning ordinance. The proposal includes 167, 173 and 175 Broadway. They will expand the laundromat and they are proposing underground drainage. Mr. Andrade has outgrown the laundromat facility and is proposing a 1,929 sq. ft. addition. Currently the lot coverage is 84 % and they will be increasing to 88.1 %. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., Engineer and Water Dept. Steve asked where is the addition going and it was answered on the left side and parking will be on right side. It was suggested moving the propane tanks behind the building and Brian answers no. They will be combining lots. Public Input: Courtney Wilder, 165 ½ Broadway (on plans they have her address as 167 R which is incorrect) She stated she has lived there since 2011 and now they ripped all the trees down and they have to deal with the noise and they haven't been great neighbors. She can hear the dumpster truck beeping in the early morning, people loitering all hours of the night because it's open 24 hours a day. She stated when they took trees down they ripped a whole in her foundation and destroyed fence next to her house. George stated he has been there late at night and he has never seen anyone there. Courtney said she lives there so she sees and hears it and she's not in favor of this. The dumpster trucks come at 2:30 AM and you can hear the beeping. Chairman Ackerman suggests making condition no dumpster between 11 PM and 7 AM. She thinks there will be more people gathering. It was suggested moving the dumpster next to 2 houses. Brian stated they plan on demolishing the Shoemaker building. He stated Ms. Wilder has never called and complained about the dumpster. She states his unwillingness to help make her not reach out to him. It was suggested eliminate 5 parking spaces closest to her property and replace with landscaping. It was asked if they would still have enough if they eliminated 5 parking spaces and it was answered yes, they had extra parking.

Motion made and seconded to grant with the following conditions:

1. Remove 5 parking spaces closest to 165R Broadway (property I.D. 47-567) and replace with landscaping
2. No Dumpster delivery or pickup allowed between 11 PM – 7 AM

**Vote: Vieira, Ackerman, Berube, Faria, Moniz .....Yes**  
**Petition Granted**

**Case # 3629                      Theriault                      141 Jeffrey Lane**  
**For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance for an 8'3" side & rear setback (instead of 20 foot rear and 15 foot side) for a 22'24' carport.**

For the Petitioner: Kerri Theriault, 141 Jeffrey Lane, Taunton, Ma.

Opposed: None  
In favor: None

Chairman Ackerman read dept. comments from the City Planner, B.O.H., Eng. Water and Conservation Commission. Ms. Theriault states she's here because she wants to put up a carport. Dennis asked Scott about the City Engineer's comments regarding having a stamped plan. She used the septic plan. Scott stated he thinks the plans she submitted should be good, it a 2019 septic plan. Public Input: no one in favor or opposed.

**Motion made and seconded to grant with the following condition:**

- 1. Waive the requirement of a stamped engineered plan. Septic plan submitted with ZBA application is sufficient**

**Vote: Ackerman, Faria, Moniz, Berube, Vieira, Ackerman... Yes**  
**Petition granted**

**Case # 3630                      Berube                      985 Glebe St.**  
**For: A Variance from Section 440 attachment # 3 & 440 602 of the Zoning Ordinance to divide one lot into two lots resulting in Lot 1 having 50.02' of frontage (instead of 150') and 66.83 feet of lot width (instead of 100')**

For the Petitioner: John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma.  
Dennis Berube, 985 Glebe St., Taunton, Ma.

In favor: None  
Opposed: Chris Campbell, 415 Burt St., Taunton, Ma.  
Dale & Yvette Hebert, 975 Glebe St., Taunton, Ma.  
Doug Deegan, 995 Glebe St., Taunton, Ma.

John stated the petitioners have owned the property since 1990's and they wish to divide the property into two lots. One fronting on Glebe Street and other on Burt Street. The wetlands have been approved by the Conservation Commission. They will keep house and the new lot on Burt Street is a conforming lot. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., Engineer, and Water Dept. It was stated the roadway was paved 2 weeks ago abut the water line is already in. Wayne asked what the hardship is? John stated the hardship is the wetlands on the lot. Public Input: No one in favor. Opposed: Chris Campbell, 415 Burt St., stated there is standing water on street. He asked if there could be a no cut zone 30 feet wide by 50 feet long( he presented plan showing it ) John stated they couldn't do anything there anyway because it's too close to the wetlands so he didn't have any issues with his request. Opposed: Yvette Hebert, 975 Glebe St., stated her lot is wet and wants assurance the water won't be worse. Opposed: Doug Deegan, 995 Glebe St. asked how far from wetlands can house be and it was at 100 feet from wetlands. Dale Hebert, 975 Glebe St. stated he grew up in this area and is very familiar with the wetlands and is main concern is making the water worse. He stated they waited 30 years for the road to be paved and they just did it 2 ½ years ago. John stated the access will be from Burt Street and no machinery will be on glebe Street. The driveway will be from Burt Street and there will be nothing from Glebe Street. It was asked if they could put a no cut zone along the wetlands on Lot 2 per the neighbor's request. John stated yes they could do that. John also pointed they have to satisfy the City Engineer that no more runoff is going into anyone's properties. Wayne asked what the hardship is and John answers the shape of the existing lot, topography, and wetlands on the property. John stated the existing house on Glebe Street is a single family.

**Motion made and seconded to grant with the following conditions:**

- 1. A 30 foot wide by 50 foot long No Cut Zone on Lot 2 along the wetlands along Burt Street (see plans attached)**

**Vote: Ackerman, Berube, Faria, Moniz .....Yes**

**Vieira .....No**

**Petition Granted**

Case # 3631

Leite

130 Broadway

For: A Variance from Section 440 attachment # 3 & 440- 602 and a Special Permit from Section 440-503 of the Zoning Ordinance for the expansion of pre-existing non-conforming structure by allowing a 24' x 25' addition (having a 2.6' rear setback instead of 20' and 12.5' side setback instead of 15') to be used for residential purposes, on a lot having 9,000 sq. ft. of lot area & dry area (instead of 43,560 sq. ft) resulting in two dwellings on one lots and a density of 4 units (instead of the 3 maximum allowed)

For the Petitioner: John DeSousa, NorthCounty Group, 4 Court St., Taunton, Ma.  
Atty. William Rounds, 115 Broadway, Taunton, Ma.

Opposed: None

In favor: None

Atty. Rounds states the existing house is a 3 family and they are proposing to put an addition on the garage for a living unit which results in 4 units. The property and garage is non-conforming so they need a special permit and if granted would need to go to the Municipal Council for 4 units. They wish to extend the garage by adding an addition for a apartment and the neighbor behind has no issue. Atty. Rounds points out there are many multi-family units in the established neighborhood consisting of smaller lots. Atty. Rounds states it's difficult to add on to the 3 family. He states the hardship is the shape and location of the house. They have plenty of off street parking to accommodate 4 units. John stated there is a house close to the driveway on left so the parking is behind the house. They have an extra space. There is a slight slope from the front and they will have a small recharge area. Chairman Ackerman read dept. comments from the City Planner, B.O.H., Eng. Water, and Conservation Commission. Wayne stated he drove by and the lot is kept very nice but he thinks it's too small and to add another unit would be a substantial detriment and he cannot vote for it. George went by too and he thinks it's too small. Steve knows the area consists of 4 and 5 families with small lots. Chairman Ackerman looked at it and was hesitant but sees there is enough parking and this is what is in the urban residential district. Public Input: no one in favor or opposed.

Motion made and seconded to grant as Presented:

**Vote: Ackerman, Faria, Vieira .....Yes**

**Berube, Moniz. ....No**

**Petition Denied**

**Case # 3568**

**Semedo**

**5 Purchase St**

**For: A Special Permit from Section 440-502 f the Zoning Ordinance for the extension of a non-conforming structure by allowing a roof over the existing deck having an 1.8' sideline setback.**

For the Petitioner: Jose Semedo, 5 Purchase St., Taunton, Ma.

In favor: None

Opposed: Brenda Fonseca, 178 School St., Taunton, Ma.

Dr. Paul Jacques, 180 School St., Taunton, Ma.

Chairman Ackerman stated they continued this from January meeting for 6 months and see if any police calls have been made. Wayne stated they was one police call was for a disabled vehicle on School St. in this area. Public Input: Brenda Fonseca, 178 School St. stated she has lived there for 22 years and she was close to the previous owners. She has been over there many times and they extended the deck. She stated he past 6 months has been quiet She thinks it's because they were coming back for review. George asked if she has heard any noise and answers no. Opposed: Dr. Paul Jacques, 180 School St. is not in favor of this. There has been multiple nuisances and they build the

deck without proper permits. He stated 2 out of 3 abutters object. He stated pictures were sent in after the hearing showing what they expanded. Discussion took place on whether or not to continue to see if there is no police activity. The Board thought it would be good to continue for 9 months to see if there still is no noise or nuisances.

**Motion made and seconded to continue for 9 months.**

**Vote: Ackerman, Faria, Berube, Moniz, Vieira.....Yes**

**Petition continued to April 2022 meeting**

**Meeting adjourned at 7:55 PM**